

## **EXHIBIT “A”**

### **CHAPTER 4.20**

#### **BUSINESS LICENSE**

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4.20.01 License required A license shall be required of any person, firm, individual, corporation or other entity who shall engage in, carry on or follow any trade, business, profession, vocation or calling within the corporate limits of the City of Cave Springs, Arkansas (hereinafter the “city”), unless exempt by state law. The license shall be for the privilege of doing business or carrying on any trade, business, profession, vocation or calling in the town.

4.20.02 Obligation to obtain license All persons, firms, individuals, corporations and other entities shall be subject to the requirements of this chapter, if any such person or other entity, by itself or through an agent, employee, or partner, holds himself or itself forth as being engaged in a business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the city.

4.20.03 Employee - defined An employee, for purposes of this chapter, is any partner, corporate officer, or other individual who receives any direct or indirect compensation from any entity subject to licensing pursuant to 4.20.02.

4.20.04 License required for each place of business Any person or entity having more than one place of business within the city shall obtain a license for each place of business. For the purpose of this chapter, more than one place of business shall mean any business operations

conducted within two or more separate buildings, or upon two or more separate tracts of real estate.

4.20.05 Application Applications for all licenses required by this chapter shall be made in writing to the city. Each application shall state the name of the applicant, the location to be used for the business, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the city officials in issuing the license applied for. Each license issued shall bear the signature of city official who is authorized to issue business license permits. All applications filed hereunder shall be kept and filed by the city.

4.20.06 Part year licenses; proration All fees and charges for licenses shall be paid at the time application therefore is made to the city. When an applicant has not engaged in the business until after the expiration of part of the current license year the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. All license fees shall become part of the city general fund.

4.20.07 Term of license; payment; publication of expiration dates All licenses shall commence on January 1 and terminate on December 31 of each year. The annual license fee shall be paid on or before January 31 of each year. The City Recorder or City Recorder/Treasurer shall publish a notice in a newspaper of general circulation in the city of the time of expiration of the licenses, at least three weeks prior to the date of such expiration. A failure to publish such notice, or the failure of the licensee to have actual knowledge of such notice, shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

4.20.08 License fee schedule Any person who shall engage in, carry on or follow any trade, business, profession, vocation or calling, within the corporate limits of the city shall pay an annual license fee of \$40.00 per year plus \$2.50 for each of the first 25 employees, excluding the owner of a sole proprietorship, employed by such business, and an additional \$1.00 per year for each and every employee over 25. The maximum fee to be paid by any licensee under this article shall be \$300 per year.

4.20.09 Compliance with ordinances and regulations

- A. No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with all of the laws, ordinances, regulations and requirements of the city. No such license shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city.
- B. The license is conditioned on the licensee complying with all ordinances and regulations of the city, as well as the laws of the state of Arkansas and the United States of America, during the year of issue. If the licensee shall fail to comply with all city ordinances and regulations during the year, such license may be revoked by the city, if after notice of non-compliance is given to the licensee, the

licensee fails to come into compliance within ten (10) working days after notification. If the licensee fails to comply within ten (10) working days, the city shall notify the licensee that the license is revoked.

- C. If, after the license is revoked, the person, firm, individual, corporation or other entity continues to operate, such person, firm, individual, corporation or other entity, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not less than the amount of the license fee provided for, nor more than double such amount for each offense, plus the cost to the city of collecting such sums.

4.20.10 Change of location The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) working days' notice thereof is given to the City Recorder or City Recorder/Treasurer, in the absence of any provision to the contrary; provided, that the building, zoning, and other ordinances of the city shall be complied with.

4.20.11 License not transferable A license issued under this chapter shall not be transferable.

4.20.12 Operation of business constituting nuisance No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact; nor in violation of any ordinance of this city or state or federal law.

4.20.13 Inspection of licensed premises Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspections at any reasonable time admission is requested.

4.20.14 Posting, display of license It shall be the duty of any person conducting a licensed business in the city to keep his or her license posted in a prominent place on the premises used for such business at all times. The holder of a license shall show the license to any officer or agent of the city upon request.

4.20.15 Exemptions The following existing ordinances are not affected by the provisions contained in this chapter:

- A. Any ordinance regulating, taxing or licensing businesses which manufacture, distribute or sell beer, wine or liquor;
- B. Ordinances licensing, regulating or controlling the operation of mobile home parks;
- C. Any franchise ordinance specifically including, but not being limited to, utilities

and telephone service.

4.20.16 Penalty Any person or business violating any provision of this chapter, upon conviction, shall be fined a sum of not less than the amount of the license fee provided for, nor more than up to \$250.00 per day of operation, plus the cost to the city of collecting said fine.

**State law reference** – Authority to punish violations, A.C.A. § 26-77-102(e).